THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24944 of 2006

Dated: 08-12-2006

Between:

I. Subbarama Naidu.

..... PETITIONER

AND

The Mandal Revenue Officer, Badvel Mandal, Kadapa.

.....RESPONDENT

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.24944 of 2006

ORDER:

The petitioner is a resident of Gunthapalli Village, Badvel Mandal in Kadapa District. His father allegedly occupied land admeasuring Ac.0.10 cents in survey No.1205/2 and also constructed a thatched house therein. In 1983, the petitioner made an application for house site patta to the then Tahsildar, Badvel, who allegedly issued house site patta vide proceedings in H.S.No.905/93 on 22-05-1984. He alleges that during the partition among the four brothers, the said land fell to his share and is staying therein. When he was replacing thatched house with tin sheet house, the respondent directed him to remove the construction. He alleges that no action whatsoever was taken by the respondent under the provisions of the Andhra Pradesh Land Encroachment Act, 1905 (the Act, for brevity). He, therefore, filed instant writ petition, *inter alia,* seeking a direction to the respondent not to dispossess him.

The matter was initially heard on 01-12-2006. At the request of the learned Assistant Government Pleader for Revenue (Assignment), it was adjourned. Today, the learned Assistant Government Pleader, after getting instructions, submits that no patta was granted to the petitioner in survey No.1205/2 and that patta produced by the petitioner is a fake one. He also submits that when the petitioner raised constructions on the Government land, the same was removed and a board was put up indicating that it is Government land.

The learned counsel for the petitioner has produced before this Court a Xerox copy of the original patta certificate allegedly issued by the Tahsildar, Badvel. Now that this is denied on the ground that it is a fake one, the petitioner is given liberty to approach MRO and submit a representation along with original patta certificate. As and when the same is done, MRO shall conduct enquiry into the claim of the petitioner that he was issued house site patta. If it is found that the petitioner has made a false claim by producing fake patta, MRO may initiate necessary action in a criminal Court against him.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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V.V.S.RAO, J

08th December, 2006

ghn